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December 6, 2021

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Honorable Paul G. Gardephe  
United States District Court Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square New York, NY 10007

Re: *Everytown for Gun Safety Action Fund, Inc. v. Defcad, Inc. et al.*, 21-cv-08704

Dear Judge Gardephe:

We represent Plaintiff Everytown for Gun Safety Action Fund, Inc. and write to request that the court strike Defendants' Memorandum of Law in Opposition to Preliminary Injunction ("Opposition") filed at 11pm on Dec. 3, 2021. Defendants' Opposition is 70 pages long—exceeding Your Honor's 25-page limit for briefs by 45 pages and violating the requirement that leave be sought to file an oversize brief. Plaintiff is prejudiced by this impermissible filing and cannot effectively respond to Defendants' Opposition by tomorrow (Dec. 7) and within the 10-page limit allowed for Reply memoranda. Plaintiff therefore respectfully requests that the Opposition be stricken.

To the extent the Court decides to allow Defendants to re-file an Opposition consistent with the rules, Plaintiff requests that any adjusted schedule be as short as possible, and that Plaintiffs be granted a reasonable number of pages in which to reply. Plaintiff remains ready to proceed on December 9, 2021 for the hearing on the Application. However, if Your Honor is inclined to adjust the schedule to allow Defendants to re-file their Opposition, we are available to proceed with the hearing on December 16, 2021.

Respectfully submitted,  
/s/Marcella Ballard

Cc: Counsel of record via ECF